

November 20, 2012

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *In the Matter of REQUEST FOR FOR REVIEW by Ogden Preparatory Academy Concerning September 24, 2012, Funding Commitment Decision Letter for Funding Year 2010 of the Universal Service Administrative Company Schools and Libraries Division (SLD) Denying Funding Requests (CC Docket No. 02-6)*

*Appellant: Ogden Preparatory Academy
Funding Request Numbers (FRN): 2074243, 2074717
Billed Entity Name: Ogden Preparatory Academy
Billed Entity Number (BEN): 96748
Form 471 Application Number: 751193
Form 470 Application Number: 492860000813113
Category of Service: Internal Connections
Service Providers: Eminent Technical Services
Service Provider SPIN: 143035132
Funding Year: 2010 (7/1/2010 – 6/30/2011)*

Commissioners,

This Appeal and Request for Review is made to the Federal Communications Commission ("FCC") pursuant to 47 C.F.R. §§ 54.719(c) and 54.721 on behalf of Ogden Preparatory Academy pursuant to the Commission's authority as stated in 47 C.F.R. § 1.3.

Background

On September 24, 2012, USAC denied two Requests for Funding filed by Ogden Preparatory Academy ("OPA") on the basis that "No contract was in place when the FCC Form 471 Certification was filed," as required by 47 C.F.R. § 54.504(a).

USAC's decision is based on the fact that that the contract for services was signed on February 26, 2010, and the FCC Form 471 was filed on February 19, 2010.

However, the OPA Board of Directors approved the contract for services on February 18, 2010, prior to the date that the FCC Form 471 Certification was filed. Minutes of the February 18, 2010 Board Meeting during which the contract for services was approved are attached as **Exhibit A**.

Other documentation includes:

Exhibit B: The agenda for the February 18, 2010 board meeting from the Utah Public Notice website documenting the date the agenda was posted

Exhibit C: The e-mail transcripts from the February 18, 2010 board meeting.

Exhibit D: The board meeting agenda from the April 14, 2010 board meeting ratifying the February 18, 2010 electronic vote. This agenda was posted to the State of Utah Public Notice Website documenting the date the agenda was posted.

Exhibit E: The board meeting minutes where this vote was formally ratified at the April 14, 2010 board meeting.

This action by the school's governing body formed a contract between OPA and the Service Provider. The fact that the contract was not actually signed at that time should not prevent the approval of the school's funding request.

Question for Review

The question for review is whether OPA's Requests should be approved because the contract for services was approved by the Board of Directors prior to filing the FCC Form 471 even though the contract was not signed until after that date.

Relief Sought

This appeal and request for waiver of 47 C.F.R. § 54.504(a), related to the requirement that signed contract be in place when the FCC Form 471 application is submitted, has merit based on the circumstances described above and as these relate to the FCC's recent decision issued on July 23, 2012, *Requests for Review and/or Requests for Waiver of the Decisions of the Universal Administrator by Al Noor High School, et al., Schools and Libraries Universal Service Support Mechanism*, File Nos. SLD-529343, *et al.*, CC Docket No. 02-6 (Wireline Comp. Bur. 2012). Like the petitioners in those appeals, OPA had a contract in place prior to filing the FCC Form 471, even though the contract was not signed until after that date. Good cause therefore exists to waive this requirement pursuant to 47 C.F.R. § 1.3.

Thank you for your consideration of this matter. Please contact me if you have any questions.

Sincerely,



Emily Coon-Bejarano

Enc:

Appellant:

Name/Org: Ogden Preparatory Academy

Contact: Emily Coon-Bejarano

Address: 352 N. Flint Street
Kaysville UT 84037

Ph: 801.540.8080

Fax: 801.497.0461

Email: Emily@AcademicaWest.com



Ogden Preparatory Academy Electronic Board Meeting Minutes Thursday, February 18, 2010

Location: Electronic Meeting Board Meeting will be conducted via email and votes will be ratified at February 10th Board Meeting. Please contact Dawn Kawaguchi at (801) 444-9378 or dawn@academicawest.com if you would like to be included in meeting.

The Mission of Ogden Preparatory Academy is to instill in all of its students a passion for learning, a readiness to address the challenges of the future, and the competence to thrive as productive and responsible citizens in our global community

Minutes

3:59 PM – Send out initial email & called meeting to order – Emily Coon

BUSINESS ITEMS

- Vote on Proposed E-Rate IT solutions for Integration of Existing and New Campuses for Data and Telecommunications (wiring, infrastructure, networking).
- Vote on an VoIP service Provider

Catina Martinez-Hadley made a motion to approve the proposed E-Rate solutions for integration of existing and new campuses for data and telecommunications (wiring, infrastructure, networking) and to approve Ogden Prep Academy to host their own Voice over Internet Protocol (VoIP) system on-site rather than through a hosted provider. Nancy Allen seconded the motion. The voting was as follows:

Catina Martinez-Hadley – Aye (4:39 p.m.)
Nancy Allen – Aye (4:45 p.m.)
Laura D'Hulst – Aye (5:17 p.m.)
Amy Sondrup – Aye (9:23 p.m.)

The motion passes unanimously. Wendy Roberts did not cast a vote.

9:39 PM – Emily Coon closed electronic board meeting

Electronic Board Meeting emailed votes may be viewed upon request.

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Ogden Preparatory Academy: Ogden Preparatory Academy Board of Directors

Entity: Ogden Preparatory Academy

Public Body: [Ogden Preparatory Academy Board of Directors](#)

Subject: Charter Schools Education

Notice Title: Electronic Board Meeting

Notice Type:

Notice Date & Time: February 18, 2010 | 1:00 PM - 4:00 PM

Description/Agenda:

Ogden Preparatory Academy
Electronic Board Meeting Agenda
Thursday, February 18, 2010

Location: Electronic Meeting Board Meeting will be conducted via email and votes will be ratified at February 10th Board Meeting. Please contact Dawn Kawaguchi at (801) 444-9378 or dawn@academicawest.com if you would like to be included in meeting.

Agenda

1:00 PM - Send out initial email - Dawn

BUSINESS ITEMS

? Vote on Proposed E-Rate IT solutions for Integration of Existing and New Campuses for Data and Telecommunications (wiring, infrastructure, networking).

? Vote on an VoIP service Provider

4:00 PM - Close electronic voting

Notice of Special Accommodations:

persons needing auxiliary communicative aids and services for these meetings should call Dawn Kawaguchi at 801-444-9378, giving at least three working days notice.

Notice of Electronic or telephone participation:

Electronic Participation may be available at some meetings. Persons wanting to participate electronically should call Dawn Kawaguchi at 801-444-9378, giving at least three working days notice.

Other information:

This notice was posted on: February 17, 2010 11:52 AM

This notice was last edited on: February 17, 2010 11:52 AM

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Meeting Location:

To be conducted via Email
Kaysville , 84037

[Map this!](#)

Contact Information:

Emily Coon
801-540-8080
emily@academicawest.com

Download Attachments:

- [2-18-2010 Electronic Board Meeting Agenda - OPA.doc](#)

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Emily Bejarano

From: Emily Coon
Sent: Thursday, February 18, 2010 9:34 PM
To: Nancy Allen; catina martinez hadley
Cc: board@ogdenprep.org; kthornburg@ogdenprep.org; Dawn Kawaguchi; Trent Brown; jake@eminent-technical.com
Subject: RE: Call the Board Meeting to Order

In Attendance: Catina Martinez-Hadley, Nancy Allen, Laura D'Hulst, Amy Sondrup
Absent: Wendy Roberts

Motion passes unanimously.

Thank you everyone for your time. This board meeting is adjourned.

From: Nancy Allen [mailto:campbellallen@hotmail.com]
Sent: Thursday, February 18, 2010 9:31 PM
To: catina martinez hadley; Emily Coon
Cc: board@ogdenprep.org; kthornburg@ogdenprep.org; Dawn Kawaguchi; Trent Brown; jake@eminent-technical.com
Subject: RE: Call the Board Meeting to Order

Aye

Nancy

From: cmartinezhadley@marketstar.com
To: emily@academicawest.com
Subject: Re: Call the Board Meeting to Order
Date: Thu, 18 Feb 2010 21:11:59 -0700
CC: campbellallen@hotmail.com; board@ogdenprep.org; kthornburg@ogdenprep.org; dawn@academicawest.com; trent@academicawest.com; jake@eminent-technical.com

Oops - aye

Sent from my iPhone

On Feb 18, 2010, at 4:51 PM, "Emily Coon" <emily@academicawest.com> wrote:

Catina made a motion to approve ETS as the E-Rate IT solutions for Integration of Existing and New Campuses for Data and Telecommunications (wiring, infrastructure, networking) and to approve Ogden Prep Academy to host their own Voice Over Internet Protocol (VoIP) system on-site rather than through a hosted provider.

Nancy Allen seconded the motion.

All in Favor? Please Vote.

From: Nancy Allen [mailto:campbellallen@hotmail.com]
Sent: Thursday, February 18, 2010 4:45 PM
To: Emily Coon; Catina Martinez-Hadley; board@ogdenprep.org; Kathy Thornburg

Cc: Dawn Kawaguchi; Trent Brown; Jacob R. Johnson
Subject: RE: Call the Board Meeting to Order

I second the motion.
nancy

From: emily@academicawest.com
To: cmartinezhadley@marketstar.com; board@ogdenprep.org; KThornburg@OgdenPrep.org
CC: dawn@academicawest.com; trent@academicawest.com; jake@eminent-technical.com
Date: Thu, 18 Feb 2010 16:40:34 -0700
Subject: RE: Call the Board Meeting to Order

Catina has made a motion, would someone like to second her motion?

From: Catina Martinez-Hadley [mailto:cmartinezhadley@marketstar.com]
Sent: Thursday, February 18, 2010 4:39 PM
To: Emily Coon; board@ogdenprep.org; Kathy Thornburg
Cc: Dawn Kawaguchi; Trent Brown; Jacob R. Johnson
Subject: RE: Call the Board Meeting to Order

I motion that we:

- 1) approve the Proposed E-Rate IT solutions for Integration of Existing and New Campuses for Data and Telecommunications (wiring, infrastructure, networking).
- 2) approve Ogden Prep Academy to host their own Voice Over Internet Protocol (VoIP) system on-site rather than through a hosted provider.

- Catina
Catina Martinez-Hadley | Sr. Technical Writer | Business Development
p 801.786.5127 | **c** 801.668.1641 | **f** 801.393.4115
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"Life can only be understood backward, but must be lived forward"

From: Emily Coon [mailto:emily@academicawest.com]
Sent: Thursday, February 18, 2010 4:20 PM
To: Emily Coon; board@ogdenprep.org; 'Kathy Thornburg'
Cc: Dawn Kawaguchi; Trent Brown; Jacob R. Johnson
Subject: RE: Call the Board Meeting to Order

Please see the attached document.

I am requesting a motion to approve the Proposed E-Rate IT solutions for Integration of Existing and New Campuses for Data and Telecommunications (wiring, infrastructure, networking).

I am also requesting a motion to approve Ogden Prep Academy to host their own Voice Over Internet Protocol (VoIP) system on-site rather than through a hosted provider.

Please let me know if you have any questions or if you would like additional information.

Thank You,

Emily Coon

From: Emily Coon
Sent: Thursday, February 18, 2010 3:59 PM
To: 'board@ogdenprep.org'; 'Kathy Thornburg'
Cc: Dawn Kawaguchi; Trent Brown; 'Jacob R. Johnson'
Subject: Call the Board Meeting to Order

Hello everyone – I would like to call the Ogden Prep Academy Electronic Board Meeting to order. I will follow up this e-mail message with an update on the status of the final bid for the services you will be voting on.

Thanks, Emily Coon

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Emily Bejarano

From: amy sondrup [amysondrup@hotmail.com]
Sent: Thursday, February 18, 2010 9:23 PM
To: Emily Coon; cmartinezhadley@marketstar.com; emily coon; 'Kathy Thornburg'
Cc: Dawn Kawaguchi; Trent Brown; jake@eminent-technical.com
Subject: RE: Call the Board Meeting to Order

Yes vote from Amy. Sorry so late I just got home.

From: emily@academicawest.com
To: cmartinezhadley@marketstar.com; board@ogdenprep.org; KThornburg@OgdenPrep.org
CC: dawn@academicawest.com; trent@academicawest.com; jake@eminent-technical.com
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Emily Bejarano

From: Laura [laura@uniongrillogden.com]
Sent: Thursday, February 18, 2010 5:17 PM
To: Emily Coon; 'Nancy Allen'; 'Catina Martinez-Hadley'; board@ogdenprep.org; 'Kathy Thornburg'
Cc: Dawn Kawaguchi; Trent Brown; 'Jacob R. Johnson'
Subject: RE: Call the Board Meeting to Order

Aye

Laura D'Hulst
General Manager
Union Grill Restaurant
2501 Wall Ave.
Ogden, Ut. 84401
w.801.621.2830
c.801.726.1659
laura@uniongrillogden.com
www.uniongrillogden.com

-----Original Message-----

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Sent: Thursday, February 18, 2010 4:51 PM
To: Nancy Allen; Catina Martinez-Hadley; board@ogdenprep.org; Kathy Thornburg
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Nancy Allen seconded the motion.

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Thanks, Emily Coon

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Ogden Preparatory Academy: Ogden Preparatory Academy Board of Directors

Entity: Ogden Preparatory Academy

Public Body: [Ogden Preparatory Academy Board of Directors](#)

Subject: Charter Schools Education

Notice Title: Board Meeting

Notice Type:

Notice Date & Time: April 14, 2010 | 4:30 PM

Description/Agenda:

Ogden Preparatory Academy

Work Session Agenda

Wednesday, April 14, 2010

Location: Ogden Preparatory Academy, 215 22nd St., Ogden, UT 84401

Agenda

4:30 PM - Call to order by Laura D'Hulst

BUSINESS ITEMS - (To be discuss and/or voted upon in Board Meeting)

- ? Discuss VLCM purchase for (18) projectors for a total of \$16,027 - Kathy Thornburg
- ? Discuss School Specialty (classroom furniture) purchase for a total of \$41,344.15 - Kathy Thornburg
- ? Discuss Business Interiors (classroom furniture) purchase for a total of \$13,496.96 - Kathy Thornburg
- ? Discuss Special Diets Policy - Kathy Thornburg
- ? Discuss projected computer purchases (types and costs) - Kathy Thornburg
- ? Discuss Parent Teacher Conferences - Catina Martinez- Hadley

REPORTS

- ? Academica West
 - Update on background checks
 - Continued improvement with building maintenance
 - Improvement in Lottery System
- ? Board Report
 - Review 2009-2010 Budget as of March 31, 2010 - Nancy Allen
- ? PTO Report - Wendy Roberts
- ? School Report
 - Accreditation Update - Katherine Witt
 - Growth and effect on MOPA - Debbie Deem
 - State of the School - Kathy Thornburg

OTHER BUSINESS ITEMS

- ? Update on local Dinner Theatre applying for liquor license - Kathy Thornburg
- ? Board Interviews
 - Monica Godfrey - 5:15 p.m.
 - Hillary Wahlen - 5:30 p.m.

ADJOURN

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Other information:

Ogden Preparatory Academy Board Meeting Agenda Wednesday, April 14, 2010 Location: MOPA Library, 215 22nd St., Ogden, UT 84401 Agenda 5:30 PM - Call To Order ? Welcome by Laura D'Hulst CONSENT ITEMS ? Approve February 10, 2010 Work Session Minutes ? Approve February 10, 2010 Board Meeting Minutes ? Accept February 10, 2010 Closed Session Affidavit ? **Approve February 18, 2010 Electronic Board Meeting Minutes ? Accept 2009-2010 Budget as of March 31, 2010 BUSINESS ITEMS ? Vote on VLCM purchase for (18) projectors for a total of \$16,027 ? Vote on School Specialty (classroom furniture) purchase for a total of \$41,344.15 ? Vote on Business Interiors (classroom furniture) purchase for a total of \$13,496.96 ? Vote on Special Diets Policy PUBLIC COMMENT (3 Minutes Each) CLOSED SESSION – To discuss an individual's character, professional competence, or physical or mental health ADJOURN**

This notice was posted on: April 13, 2010 04:38 PM

This notice was last edited on: April 13, 2010 04:38 PM

[Please give us feedback](#)

Meeting Location:

215 22nd St
Ogden , 84401

[Map this!](#)

Contact Information:

Emily Coon
801-540-8080
emily@academicawest.com

Download Attachments:

- [4-14-2010 Board Meeting Agenda - OPA.doc](#)
- [4-14-2010 Work Session Agenda - OPA.doc](#)
- [4-14-2010 Closed Session Agenda - OPA.doc](#)

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Ogden Preparatory Academy

Board Meeting Minutes

Wednesday, April 14, 2010

Location: MOPA Library, 215 22nd St., Ogden, UT 84401

In Attendance: Laura D'Hulst, Catina Martinez-Hadley, Wendy Roberts, Kathy Thornburg (Principal), Nancy Allen (via phone), Kim Dohrer (AW), Dawn Kawaguchi (AW), Brad Taylor (AW), and Bobby Mitchell (Asst. Principal)

Excused: Amy Sondrup

The Mission of Ogden Preparatory Academy is to instill in all of its students a passion for learning, a readiness to address the challenges of the future, and the competence to thrive as productive and responsible citizens in our global community

Minutes

5:55 PM - Call To Order

- ❖ Welcome by Laura D'Hulst

CONSENT ITEMS – Catina Martinez-Hadley made a motion to approve the consent items. Wendy Roberts seconded the motion. Motion passed unanimously.

- ❖ Approve February 10, 2010 Work Session Minutes
- ❖ Approve February 10, 2010 Board Meeting Minutes
- ❖ Accept February 10, 2010 Closed Session Affidavit
- ❖ Approve February 18, 2010 Electronic Board Meeting Minutes
- ❖ Accept 2009-2010 Budget as of March 31, 2010

BUSINESS ITEMS

- ❖ Vote on VLCM purchase for (18) projectors for a total of \$16,027 – Wendy Roberts made a motion to approve the purchase of projectors. Catina Martinez-Hadley seconded the motion. Motion passed unanimously.
- ❖ Vote on School Specialty (classroom furniture) purchase for a total of \$41,344.15
- ❖ Vote on Business Interiors (classroom furniture) purchase for a total of \$13,496.96 – Catina Martinez-Hadley made a motion to approve both of the classroom furniture purchases for a total of approximately \$55,000. Nancy Allen seconded the motion. Motion passed unanimously.
- ❖ Vote on Special Diets Policy – Do not need one as reported in the work session.

There was no PUBLIC COMMENT made.

5:58 p.m. – Catina Martinez-Hadley made a motion to move into a closed session. Wendy Roberts seconded the motion. Motion passed unanimously.

CLOSED SESSION – To discuss an individual's character, professional competence, or physical or mental health

ADJOURN – 6:40 p.m.

In compliance with the Americans with Disabilities Act, persons needing auxiliary communicative aids and services for these meetings should call Dawn Kawaguchi at 801-444-9378, giving at least three working days notice.